



Attorney Docket No. KEYNP005

#10  
T.D.  
04/30/03

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of )  
ERIC HAMER et al. )  
Application No.: 09/475,765 )  
Filed: December 30, 1999 )  
For: METHOD AND SYSTEM FOR )  
EVALUATING QUALITY OF SERVICE )  
OVER THE INTERNET )

Examiner: PHUOC H. NGUYEN

Art Unit: 2143

April 22, 2003

**RECEIVED**

APR 30 2003

Technology Center 2100

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on April 22, 2003.

Signed: \_\_\_\_\_

Kimberly Badiei

**RESPONSE TO OFFICE ACTION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The following is provided in response to the Office Action mailed October 23, 2002.

Claims 1-3, 5-8, 9-20, 22-27, 29-33, and 35-37 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,449,739 (Landan). Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Landan in view of U.S. Patent No. 6,438,592 (Killian). Claims 9, 21, 28, and 34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Landan in view of U.S. Patent No. 6,006,260 (Barrick, Jr. et al.).



Gp # 21584

PATENT

#9  
T.D.

04/30/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Attorney Docket No.: KEYNP005

ERIC HAMER et al.

Examiner: Phuoc H. Nguyen

Application No.: 09/475,765

Group Art Unit: 2158

Filed: December 30, 1999

Date: April 22, 2003

For: <sup>III</sup> METHOD AND SYSTEM FOR EVALUATING QUALITY OF SERVICE OVER THE INTERNET

04/29/2003 MBIZUNES 00000031 09475765

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465.00 0P

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Assistant Commissioner for Patents, Washington, DC 20231 on April 22, 2003.

Signed:

*Kimberly Badiel*  
Kimberly Badiel

Assistant Commissioner for Patents  
Washington, DC 20231

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Sir:

Transmitted herewith is an amendment in the above-identified application. Technology Center 2100

The fee has been calculated as shown below.

	Claims Remaining After Amendment	Highest Previously Paid For	Present Extra	SMALL ENTITY RATE FEE	OR	LARGE ENTITY RATE FEE
TOTAL CLAIMS	<u>37</u> -	<u>37</u>	<u>0</u>	X9 = \$	OR	X18 = \$
INDEP CLAIMS	<u>3</u> -	<u>3</u>	<u>0</u>	X42 = \$	OR	X84 = \$
						<u>TOTAL \$ 0</u>



Applicant(s) hereby petition for a three (3) month(s) extension of time to respond to the outstanding Office Action.



Applicant(s) believe that no (additional) Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 50-1652 (Order No. KEYNP005).



Enclosed is our check in the amount of \$465.00 to cover the additional claim fee and/or extension of time fees.



If the required fees are missing or any additional fees are required during the pendency of the subject application, please charge such fees or credit any overpayment to Deposit Account No. 50-1652 (Order No. KEYNP005).

Respectfully submitted,

Cindy Kaplan  
Reg. No. 40,043

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